

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/5/10

-----x
RICARDO COPANTITLA, DIEGO DIAZ DE LA
VEGA, IGNACIO GARCIA, FREDDY GUACHUN,
JULIO LANTIGUA, MANUEL LIZANDRO, MARTIN
LOPEZ, SEBASTIAN LOPEZ, AUGUSTIN
MALDONADO, HENRY MATUTE, JOELITO
MELENDEZ, AUSSENCIO RAMIREZ, AND JOSE
LUIS VARGAS.

Plaintiffs,

-against-

FISKARDO ESTIATORIO, INC. d/b/a THALASSA
RESTAURANT, GEORGE MAKRIS, JULIA MAKRIS,
STEVE MAKRIS, and FANTIS FOODS, INC.,

Defendants.
-----x

No. 09 Civ. 1608 (RJH)

**STIPULATION AND
ORDER**

WHEREAS Plaintiffs Ricardo Copantitla, Diego Diaz De La Vega, Ignacio Garcia, Freddy Guachun, Julio Lantigua, Manuel Lizandro, Martin Lopez, Sebastian Lopez, Augustin Maldonado, Henry Matute, Joelito Melendez, Aussencio Ramirez, and Jose Luis Vargas (collectively, "Plaintiffs") and Defendants Fiskardo Estiatorio, Inc. d/b/a Thalassa Restaurant, Julia Makris, George Makris, Steve Makris, and Fantis Foods, Inc. (collectively, "Defendants") write to clarify conflicting entries on the docket in the above-captioned matter;

WHEREAS Rule 3(a) of the Individual Practices of Judge Richard J. Holwell regarding Pre-Motion Conferences in Civil Cases requires a party to arrange for a pre-motion conference with the Court before making a motion for summary judgment by submitting a letter not to exceed three pages in length that sets forth the basis for the anticipated motion;

WHEREAS counsel for the parties conferred with Judge Holwell's law clerk J.B. Ward about the requirement of filing pre-motion conference letters, after which time the parties were prepared to file such letters on September 22, 2010, the date previously offered for filing dispositive motions in the parties' proposed Revised Scheduling Order;

WHEREAS Docket Entry 88 reflects a scheduling order, dated August 30, 2010 and entered onto the docket on September 8, 2010, in which the Court crossed out the parties' proposed briefing schedule in accordance with the phone conversation between counsel and chambers thereby indicating that September 22, 2010 would be the date for filing the pre-motion conference letters;

WHEREAS Docket Entry 89 reflects a subsequent and conflicting scheduling order, entered onto the docket on September 16, 2010, in which the Court so ordered the parties' previously proposed briefing schedule, thereby indicating that September 22, 2010 would be the date for filing dispositive motions;

IT IS HEREBY STIPULATED AND AGREED by and among Plaintiffs and Defendants, by their undersigned attorneys of record, as follows:

1. The parties will file their pre-motion conference letters on September 22, 2010 in anticipation of a pre-motion conference, pursuant to Judge Holwell's Individual Practice Rules, their counsel's conversation with chambers, and the earlier scheduling order entered as Docket Entry 88.

Dated: New York, New York
September 17, 2009

CHADBOURNE & PARKE LLP

By: *Laura C. Rowntree*

Laura C. Rowntree (LR-0511)

Attorney for Plaintiffs

30 Rockefeller Center

New York, New York 10112

(212) 408-8056

lrowntree@chadbourne.com

LOWENSTEIN SANDLER PC

By: *Stephanie L. Aranyos*

Stephanie L. Aranyos (SA-1657)

Attorneys for Defendants

1251 Avenue of the Americas

New York, New York 10020

(212) 262-6700

saranyos@lowenstein.com

SO ORDERED: 10/5, 2010

D. J. W.
U.S.D.J.